

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

---

Blue Spike, LLC,

*Plaintiff,*

v.

MorphoTrak, Inc. and Safran USA, Inc.,

*Defendant.*

CASE NO. 6:13-cv-089 MHS

CONSOLIDATED CASE

Jury Trial Demanded

---

**PLAINTIFF BLUE SPIKE’S REPLY IN RESPONSE TO  
DEFENDANT MORPHOTRAK’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendant MorphoTrak, Inc (“MorphoTrak” or “Defendant”) (Case No. 6:13-cv-089, Dkt. No. 605) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

**COUNTERCLAIMS**

90. Blue Spike denies the allegations of Paragraph 89 on the basis that Defendant’s incorporation of its Answer and Affirmative Defenses into its Counterclaims is nonsensical.

91. Blue Spike admits the allegations of Paragraph 91.

92. Blue Spike admits the allegations of Paragraph 92.

- 93. Blue Spike admits the allegations of Paragraph 93, upon information and belief.
- 94. Blue Spike admits the allegations of Paragraph 94.
- 95. Blue Spike admits the allegations of Paragraph 95.
- 96. Blue Spike admits the allegations of Paragraph 96.

#### **FIRST COUNTERCLAIM**

- 97. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90 through 96 above.
- 98. Blue Spike denies the allegations of Paragraph 98.
- 99. Blue Spike denies the allegations of Paragraph 99.

#### **SECOND COUNTERCLAIM**

- 100. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 90 through 96 above.
- 101. Blue Spike denies the allegations of Paragraph 101.

#### **PRAYER FOR RELIEF**

Blue Spike denies that Defendant is entitled to any of the relief it requests.

#### **BLUE SPIKE'S PRAYER FOR RELIEF**

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant takes nothing by its Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and

(c) Any and all further relief for Blue Spike as the Court may deem just and proper.

Respectfully submitted,

/s/ Randall T. Garteiser

Randall T. Garteiser

Texas Bar No. 24038912

rgarteiser@ghiplaw.com

Christopher A. Honea

Texas Bar No. 24059967

chonea@ghiplaw.com

Christopher S. Johns

Texas Bar No. 24044849

cjohns@ghiplaw.com

Kirk J. Anderson

California Bar No. 289043

Peter S. Brasher

California Bar No. 283992

**GARTEISER HONEA, P.C.**

44 North San Pedro Road

San Rafael, California 94903

Telephone: (415) 785-3762

Facsimile: (415) 785-3805

*Counsel for Blue Spike, LLC*

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser